

**Plaintiff  
Jackie Fisher's  
Response in Opposition  
to Defendants'  
Motion for  
Summary  
Judgment**

**EXHIBIT**

**57**

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February 10, 2006

To: Board of Nurse Examiners

From: Jacklyn Fisher, RN  
1150 FM 2296 Rd  
Huntsville, Texas 77340  
(936) 293-1347

This letter is in response to your correspondence dated January 13, 2006 (certified mail # 7001-1940-0003-0216-5258) regarding the allegation "that adequate nursing staff was not provided at the Estelle Regional Medical Facility (ERMF)".

On December 15, 2005, the ERMF Extended Care Unit was staffed according to our routine staffing. The patients/offenders housed on the Extended care should be self-care, requiring minimum nursing care and supervision.

Allowing access, controlling the flow of offenders into and out of the bathing areas, and observing the offender behavior is the responsibility of the Texas Department of Criminal Justice Institutional Division (TDCJ-ID) Officers.

On December 15<sup>th</sup>, the officer assigned to this unit was monitoring and observed Mr. Norman Colburn, TDCJ-ID# 676660, at least two (2) times in the bathtub. On the officer's third round, he found Mr. Colburn submerged in the bathtub. The Nurse assigned to that area along with other nursing staff [(1) RN, (3) LVNs, (2) Medical Assistants] responded promptly and initiated CPR immediately. It is regrettable that a death has occurred, but it is not one that could have been prevented by assumption of more Nursing Staff.

In summary, staffing and patient safety are and still remains a high priority. I am utilizing agency nursing staff on a regular basis. The Assistant Nurse Managers and myself are routinely scheduled as regular staff nurses and fill in for call-ins, etc.. The UTMB Emergency Medical Staff is an additional resource that can be utilized per our request. The UTMB EMS operation is located on the same complex as the ERMF and is in close proximity. Therefore, the allegation of inadequate nursing staff for the Extended Care Unit is not supported by the facts.

If you need additional information, please contact me at 936-293-1347 (hm) or 936-291-4200 ext. 3823 (wk).

Sincerely,

*Jacklyn Fisher, RN*  
Jacklyn Fisher, RN

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